

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JOHN DOE,

Plaintiff/Counterclaim  
Defendant,

v.

BAILA SEBROW,

Defendant/Counterclaim  
Plaintiff.

Civil Action No. 21-20706 (SDW) (ESK)

**ORDER**

March 22, 2023

**THIS MATTER** having come before this Court upon Plaintiff/Counter-Defendant John Doe's filing of a Motion to Dismiss (D.E. 15 ("Motion to Dismiss")) Defendant/Counter-Plaintiff Baila Sebrow's ("Sebrow") Counterclaims (D.E. 13 at 8–9), and this Court having considered Doe's submission, for the reasons stated in this Court's Whereas Opinion dated March 22, 2023,

**IT IS**, on this 22<sup>nd</sup> day of March 2023,

**ORDERED** that Doe's Motion to Dismiss is **GRANTED in part and DENIED in part** as follows:

- 1) Sebrow's counterclaims for fraudulent misrepresentation (Count I) and defamation (Count II) are dismissed without prejudice;
- 2) Sebrow's counterclaim for defamation based on statements made during litigation (Count II) is dismissed with prejudice;
- 3) Sebrow's counterclaim for abuse of process (Count III) is dismissed without prejudice insofar as the claim challenges ongoing litigation; and

- 4) Sebrow's counterclaim for abuse of process based on Doe's alleged improper use of a temporary restraining order (Count III) remains.

Sebrow shall have thirty (30) days to amend the counterclaims that were dismissed without prejudice.

**SO ORDERED.**

/s/ Susan D. Wigenton  
**SUSAN D. WIGENTON, U.S.D.J.**

Orig: Clerk  
cc: Edward S. Kiel, U.S.M.J.  
Parties